IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Bail Appl..No. 4279 of 2007()

(CRIME NO. 539/2007 of KOTHAMANGALAM POLICE STATION)

PETITIONER/2ND ACCUSED:

DILNA SONY, AGED 35 YEARS,
W/O. SONY, MATHAKUKNNAN KULASSERIL HOUSE,
MATHIRAPPILLY, KOTHAMANGALAM.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
KOTHAMANGALAM POLICE STATION, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.
(INVESTIGATING OFFICER IN CRIME NO.539/2007 OF
KOTHAMANGALAM POLICE STATION).

BY ADV. SRI. JAI GEORGE, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/07/2007, ALONG WITH BA NOS. 4460,4459, 4458, 4457, 4456, 4455,4452, 4451, 4280 & 4291 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.Nos.4279, 4280, 4291, 4451, 4452, 4455, 4456, 4457, 4458, 4459 & 4460 of 2007

Dated this the 24th day of July, 2007

ORDER

These applications filed by the common petitioner are all for anticipatory bail. She faces allegations in crimes alleging commission of offences punishable under Section 420 I.P.C. Some of the complaints have been lodged directly before the police. Some of them have been filed before the Magistrate and referred to the police under Section 156(3) Cr.P.C. The crux of the allegations raised is that the petitioner, in collusion with her husband, had fraudulently received amounts from job seekers promising to provide for them employment abroad. Employment was not provided. Amounts have not been returned. Allegation is that the promise of employment was made fraudulently with the knowledge that it is false and is not intended to be acted upon, only for the purpose of inducing the job seekers to part with money. Investigation is in progress. The petitioner's husband has been arrested on 19.05.07. He continues in custody from that date. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the allegations raised against the petitioner are false. He submits that in the initial complaints filed there was no specific overt act whatsoever alleged against the petitioner. The subsequent complaints have

undergone transformation and allegations have been incorporated alleging that the petitioner also had specific role in the alleged fraud played by her husband. The petitioner has an employment in Government. She has a breast feeding child. In these circumstances, the petitioner may be saved of the trauma of arrest and incarceration. Allegations are being raised against her with the sole intention of coercing her and her husband to solve the unsettled disputes.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor opposes the application. The learned Public Prosecutor contends that in some of the petitions, there is specific allegation of the precise contumacious role played by the petitioner in the commission of the offence.

4. I have considered all the relevant inputs. Notwithstanding the opposition by the learned Public Prosecutor , I am satisfied that the petitioner, a woman, can be granted anticipatory bail subject, of course, to appropriate conditions, which shall completely ensure the interests of a fair, efficient and expeditious investigation.

5. In the result, these applications for anticipatory bail, are allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m on 31.07.2007. She shall be released on regular bail on condition that she executes bonds in each case for

Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make herself available for interrogation before the Investigating Officer between 10 a.m and 5 p.m on 01.08.2007 to 04.08.2007. Thereafter she shall make herself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Sundays and Fridays for a period of two months. Subsequently she shall make herself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to her surrender on 31.07.07 as directed in clause (1) above, she shall be released from custody on her executing a bond for Rs.1,00,000/- (Rupees One lakh only) without any sureties undertaking to appear before the learned Magistrate on 31.07.07.

(R.BASANT, JUDGE)

rtr/-

R.BASANT, J

B.A.Nos.4279, 4280 & 4291 of 2007

Dated this the 23th day of July, 2007

ORDER

Call along with connected B.A.No.4459 of 2007 and other matters tomorrow (24.07.2007).

2. The undertaking will continue till 24.07.07, submits the learned Public Prosecutor and the same is accepted.

(R.BASANT, JUDGE)

rtr/-

R.BASANT, J

B.A.Nos.4279, 4280 & 4291 of 2007

Dated this the 13th day of July, 2007

ORDER

The learned Public Prosecutor again prays for time. Call on 17.07.2007.

2. The learned Public Prosecutor undertakes and the said undertaking is accepted that the petitioner shall not be arrested till the disposal of these Bail Applications.

(R.BASANT, JUDGE)

rtr/-